

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

LARRY E. PEYTON, JR.,)	CASE NO. 1:11-cv-02639
)	
Plaintiff,)	
)	JUDGE JAMES S. GWIN
v.)	
)	
COMMISSIONER OF SOCIAL SECURITY,)	MAGISTRATE JUDGE GREG WHITE
)	
Defendant.)	REPORT AND RECOMMENDATION

On December 6, 2011, Plaintiff Larry E. Peyton, Jr. ("Plaintiff"), *pro se*, challenged the final decision of the Commissioner of Social Security denying her claim for a Period of Disability, Disability Insurance Benefits, and Supplemental Security Income. This matter was automatically referred to this Court pursuant to Local Rule 72.2.

Defendant filed an Answer and a Transcript of Proceedings on April 2, 2012. (ECF Nos. 11 & 12.) Pursuant to the Court's Initial Order (ECF No. 5), Plaintiff had sixty (60) days – until June 1, 2012 – to file his Brief on the Merits. Plaintiff, however, failed to file a brief and has not sought an extension of time to do so. On June 26, 2012, the Court entered a show cause order directing Plaintiff to respond by July 6, 2012, as to why the complaint

should not be dismissed for want of prosecution.¹ (ECF No 13.) Plaintiff has not responded to the show cause order.

Considering all of the above, it is recommended that this action be dismissed for want of prosecution.

IT IS SO ORDERED.

s/Greg White
United States Magistrate Judge

Dated: July 11, 2012

OBJECTIONS

Any objections to this Report and Recommendation must be filed with the Clerk of Courts within fourteen (14) days after being served with a copy of this Report and Recommendation. Failure to file objections within the specified time may waive the right to appeal the District Court's order. See *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). See also *Thomas v. Arn*, 474 U.S. 140 (1985), *reh'g denied*, 474 U.S. 1111 (1986).

¹ A copy of the Show Cause order was mailed to Plaintiff at the address he provided the Court.